

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA 1180

JOHN RICHARD JAE,

Plaintiff,

JUDGE'S COPY

Civil No. 1:00-CV-00315

U.S. District Judge R.

Magistrate Judge Smye

vs.

KENNETH D. KYLER, et al.,
Defendants.

FILED
HARRISBURG

JUN 08 2001

MARY E. D'ANDREA, CLERK
Per alg

DEPUTY CLERK

MOTION FOR LEAVE OF COURT TO FILE BRIEF IN
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT AND MEMORANDUM IN SUPPORT WHICH
EXCEEDS THE FIFTEEN (15) PAGE LIMIT UNDER
LR 7.8 AND BRIEF IN SUPPORT

Comes now the Plaintiff & his counsel in the above-
entitled Civil Action, John Richard Jae, as a Layman unlettered in the
arts & sciences of the laws & legal procedures within the United States,
now files his Motion for Leave of Court to File a Brief in Opposition
to Defendants' Motion for Summary Judgment and Memorandum in Support
which exceeds the fifteen (15) page limit under M.D. LR 7.8 and Brief
in Support, herein, & who, avers, deposes & states:

1. On or about October 17, 2000, Defendants, by counsel, filed their Motion
for Summary Judgment and Statement of Undisputed Facts, herein this
2. On or about December 5, 2000, Defendants, by counsel, filed their Memorandum
in Support of and Documents Supporting Defendants' Motion
for Summary Judgment, herein this case.

3. This is the Plaintiff's Motion for Leave of Court to File a Brief

OPPOS Plaintiff's Defendants' Motion For Summary Judgment And Memorandum In Support Which Exceeds The Fifteen (15) Page Limit Under M.D.-LR 7.8 And Brief In Support.

BRIEF IN SUPPORT

M.D.-LR 7.8 requires a party seeking leave to file a Reply Brief which exceeds fifteen (15) pages to state the length of the Brief requested and in accordance with such, the Plaintiff states that the length of his Brief in Opposition to Defendants' Motion For Summary Judgment And Memorandum Support is 17 pages.

That, this is only two (2) pages over the fifteen (15) page limit and thus it would be unfair and unreasonable for this Court to deny such.

That, this Court will benefit from a more extensive argument for the Plaintiff than can be accomplished in just (15) pages.

Further, in order to fully address & combat Defendants' Claims & Arguments of their Memorandum ^{In Support} of Motion For Summary Judgment, Plaintiff's arguments/conclusion had to take (17) pages & requiring Plaintiff to file any lesser number of pages of argument would deny him his rights to fully & adequately address & counter Defendants' Claims & Arguments of their Memorandum In Support & therefore would egregiously deny him his 14th Amendment U.S. Constitutional Rights to due process of Law & would be especially egregious, unfair, prejudicial & unreasonable in light of the fact that Plaintiff's Brief is only two (2) pages over the fifteen (15) page limit.

This Court has previously allowed this Plaintiff to file Briefs totaling 50 pages in *Jaeger v. Long, et al.*, Civil No. 00-00-00-00.

(45) forty-five pages in *Jae vs. Loskey*, CRINb. 1:CV-99-1610, (20) ~~twenty~~ twenty pages in *Jae vs. Chin et al.*, CRINb. 1:CV-00-1090, and previously herein the case sub judge, this court allowed this Plaintiff to file a Brief totaling twenty-one (21) pages of argument.

(W) HEREFOR, the interests of justice and fundamental fairness require this court to grant this Motion and allow this Plaintiff to file his seventeen (17) Page Brief in Opposition to Defendant's Motion For Summary Judgment. Memorandum of Law in Support, herein this Court Rights A ~~17~~ 17.

RESPECTFULLY SUBMITTED

(S) John Richard Jae

MR. JOHN RICHARD JAE,
#BQ-3219

SCI-Greene/smu

175 Happiness Drive

Waynesburg, PA - 15370-8089

Dated: 3rd JUNE 2001

Plaintiff and PB Sec Counsel